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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,828	05/08/2002	Jan Dietrich	1986	8524

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Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

EXAMINER

GRAHAM, GARY K

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,828

Applicant(s)

DIETRICH ET AL.

Examiner

Gary K. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9,11-14,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 7,10,14,15 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 7, 14, 15 and 18 are objected to because of the following informalities: In claim 7, line 3, it appears "a" should be ---the--- as the connecting device has already been set forth. In claims 14, 15 and 18, use of spherical curvature does not appear accurate. It appears ---circular curvature--- would be more accurate. The lateral defining surfaces do not define spheres. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made

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in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 6, 7, 11, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merkel et al (German patent 19627115) in view of Kotlarski (WO patent 98/50261).

The patent to Merkel discloses the invention substantially as is claimed, including a wiper blade (fig.1,fig.5) having a pair of spring strips (28,30) received in longitudinal grooves of the wiper strip (14). A connecting device (66) is provided for coupling the wiper strip with a wiper arm (18). Merkel also discloses crosspieces (60) which are both separate and combined with the connecting device for engaging the upper band surface of the spring strips. The crosspieces have a middle section spaced a distance from the upper band surface of the spring strips. Merkel further discloses end crosspieces (50) at the end sections of the wiper strip.

The patent to Merkel discloses all of the above recited subject matter with the exception of the crosspieces being welded to the spring strips.

The patent to Kotlarski discloses a wiper assembly wherein the connecting device (16) is welded (36,136,236) with the spring strip (12).

It would have been obvious to one of skill in the art to weld the connecting device of the Merkel wiper assembly with the spring strip wherein it contacts such, as clearly suggested by Kotlarski, to prevent inadvertent separation thereof. Such could also be employed with the separate crosspieces to prevent inadvertent or undesirable separation thereof.

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Claims 1, 2, 5, 11, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merkel et al (German patent 19627114) in view of Kotlarski (WO patent 98/50261).

The patent to Merkel discloses the invention substantially as is claimed, including a wiper blade (figs. 1, 2 and 3) having a pair of spring strips (28,30) received in longitudinal grooves of the wiper strip (14). Said strips extend past the end of the wiper strip. A connecting device (66) is provided for coupling the wiper strip with a wiper arm (18). Merkel also discloses crosspieces (60) which are both separate and combined with the connecting device for engaging the upper band surface of the spring strips. The crosspieces have a middle section spaced a distance from the upper band surface of the spring strips. Merkel further discloses end crosspieces (50) at the end sections of the wiper strip.

The patent to Merkel discloses all of the above recited subject matter with the exception of the crosspieces being welded to the spring strips.

The patent to Kotlarski discloses a wiper assembly wherein the connecting device (16) is welded (36,136,236) with the spring strip (12).

It would have been obvious to one of skill in the art to weld the connecting device of the Merkel wiper assembly with the spring strip wherein it contacts such, as clearly suggested by Kotlarski, to prevent inadvertent separation thereof. Such could also be employed with the separate crosspieces to prevent inadvertent or undesirable separation thereof.

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Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merkel et al (German patent 19627115) in view of Kotlarski (WO patent 98/50261) as applied to claim 6 above, and further in view of Meadows (GB patent 1,269,993).

The patents to Merkel and Kotlarski disclose all of the above recited subject matter with the exception of the end crosspieces having stops which cover the ends of the wiper strip.

The patent to Meadows discloses providing stops (15) on the end crosspieces (9) to cover the ends of the wiper strip.

It would have been obvious to one of skill in the art to provide the end crosspieces of the modified Merkel assembly with stops, as clearly suggested by Meadows, to help prevent separation of the wiper strip from the spring strips.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merkel et al (German patent 19627115) in view of Kotlarski (WO patent 98/50261) as applied to claim 12 above, and further in view of Scinta (US patent 3,116,507).

The patents to Merkel and Kotlarski disclose all of the above recited subject matter with the exception of the lateral defining surfaces of the grooves being divergent having a spherical curvature. Note that spherical is taken to mean circular as the lateral surface cannot be spherical in cross section. Further, such does not appear spherical at all even when not in cross section.

The patent to Scinta discloses circular curving (fig.8) of the lateral defining surface of the grooves that receive the spring strip (28) such that they diverge.

It would have been obvious to one of skill in the art to circular curve the lateral defining surfaces of the grooves of the modified Merkel wiper strip, as clearly suggested by Scinta, to enable improved pivoting of the wiper strip.

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Claim 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merkel et al (German patent 19627115) in view of Kotlarski (WO patent 98/50261) as applied to claim 12 above, and further in view of Rosen (US patent 3,636,583).

The patents to Merkel and Kotlarski disclose all of the above recited subject matter with the exception of the wiper lip having conduit therethrough..

The patent to Rosen discloses a conduit (24) passing through the wiper lip (15) of the wiper strip (11) to promote flexing of the wiper strip and thus improved wiping function.

It would have been obvious to one of skill in the art to provide a conduit through the wiper lip of the modified Merkel wiper strip, as clearly suggested by Rosen, to enable improved flexing and thus wiping of the wiper strip.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. As set forth above, the Kotlarski patent does teach welding of a connecting device to the supporting strip. Such could readily be employed in the assemblies of Merkel. Also, as set forth above, Merkel discloses the crosspieces as having a middle section spaced from the upper band surface of the spring strips such that the wiper strip can be longitudinally inserted therein.

Allowable Subject Matter

Claims 10 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 18 would be allowed if amended to overcome the objection set forth above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Gary K. Graham', with a long horizontal line extending from the end of the signature.

Gary K Graham
Primary Examiner
Art Unit 1744

GKG
31 May 2005